

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

JOSEPH DEGEARE,)
vs.)
Petitioner,)
STATE OF OKLAHOMA;)
DEL CITY MUNICIPAL COURT)
Respondents.)

NO. CIV-15-1142-HE

ORDER

Petitioner Joseph DeGeare, a federal prisoner appearing *pro se*, brought this action pursuant to 28 U.S.C. § 2254 seeking to vacate an alleged “[p]ending detainer/warrant” in state court. Consistent with 28 U.S.C. § 636(b)(1)(B), this matter was referred for initial proceedings to Magistrate Judge Suzanne Mitchell, who recommends the case be summarily dismissed due to the absence of any detainer and failure to allege a constitutional violation.

Neither party has objected to the Report and Recommendation, and both parties have therefore waived any right to appellate review of the factual and legal issues it addressed.

United States v. One Parcel of Real Property, 73 F.3d 1057, 1059–60 (10th Cir. 1996); *see* 28 U.S.C. § 636(b)(1)(C). Accordingly, the court adopts the Report and Recommendation [Doc. No. 6] and **DISMISSES** this case without prejudice.

IT IS SO ORDERED.

Dated this 30th day of December, 2015.


JOE HEATON
CHIEF U.S. DISTRICT JUDGE